

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA

In Re:

Bankruptcy No. 24-30010
Chapter 11 – Subchapter V

Red River Subs, Inc.,
dba Erbert and Gerbert's – Fargo,
dba Erbert and Gerbert's – Bismarck,
dba Erbert and Gerbert's – Moorhead,

Debtor.

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**ORDER GRANTING IN PART AND DENYING IN PART
DEBTOR'S MOTION TO EXPEDITE HEARING
ON FIRST DAY MOTIONS**

Debtor filed a motion seeking an expedited hearing on its First Day Motions filed on January 13, 2024, January 14, 2024, and January 15, 2024. Doc. 11. Debtor did not establish cause for an expedited hearing on the Motion to (I) Pay Retainer and Monthly Supplements to Subchapter V Trustee and (II) to Approve Agreement with Subchapter V Trustee filed January 15, 2024 (Doc. 8). Accordingly, **IT IS ORDERED** that the motion to expedite a hearing on this motion is denied. Debtor shall serve this motion as required by the Federal Rules of Bankruptcy Procedure and the Local Rules. The Court will hear this motion in the ordinary course.

The Court finds that it is appropriate to conduct a hearing on an expedited basis for six of the seven First Day Motions Debtor filed. Accordingly, **IT IS ORDERED** that Debtor's motion is GRANTED for the following First Day Motions:

1. Motion to Retain Existing Depository Accounts filed January 13, 2024 (Doc. 2);
2. Motion for Leave to Pay Certain Pre-Petition Employee Wages filed January 14, 2024 (Doc. 5);

3. Motion to Reject Office Lease Agreement by and Between Red River Subs, Inc. and 931 on 9th LLC filed January 14, 2024 (Doc. 6);
4. Motion to Stay Red River Refrigeration v. Beedy filed January 14, 2024 (Doc. 7);
5. Motion for Leave to Pay Claims of Critical Vendors filed January 15, 2024 (Doc. 9); and
6. Motion for Leave to Use Cash Collateral filed January 15, 2024 (Doc. 10).

These motions will be heard on **Friday, January 19, 2024, at 2:00 p.m. in Courtroom #3, Second Floor, Quentin N. Burdick United States Courthouse, 655 First Avenue North, Fargo, North Dakota.** The Court will grant all requests to appear by video conference given the short notice.

Written objections to interim relief on the motions listed above must be filed by **noon Friday, January 19, 2024.** All objections will be heard at this preliminary hearing. If the Court receives no objections, it may enter an order granting the relief requested and cancel the hearing.

IT IS ALSO ORDERED that the Motion for Leave to Use Cash Collateral will be regarded as a preliminary hearing pursuant to 11 U.S.C. § 363(c)(3) and Rule 4001(b)(2). Consistent with Rule 4001(b)(2), the Court will authorize use of only that amount of cash collateral as is necessary to avoid immediate and irreparable harm to the estate pending a final hearing. The hearing on the other motions listed above will be regarded as preliminary hearings as well.

A final hearing on the motions listed in paragraphs one through six above will be held on Wednesday, February 7, 2024, at 2:00 p.m. in Courtroom #3, Second Floor, Quentin N. Burdick United States Courthouse, 655 First Avenue North, Fargo, North Dakota. Additional objections to the motions, if any, must be filed not later than February 6, 2024. If the Court receives no objections, it may enter an order granting the relief requested and cancel the hearing on one or more of the motions.

All hearings are evidentiary unless, upon the Court's initiative or the written request of a party, the Court schedules a preliminary hearing to address scheduling, discovery, or other matters. Parties shall disclose witness lists and exhibits not later than two business days before the hearing on a contested matter unless the Court granted an expedited hearing.

Your rights may be affected in this action. You should read these papers carefully and discuss the matters with your attorney, if you have one. If you want the Court to consider your views, you should file a written response to the motion and attend the hearing. If you do not take these steps, the Court may assume that you do not oppose the motion and may enter an order approving the request.

Dated: January 16, 2024.



SHON HASTINGS, JUDGE
U.S. BANKRUPTCY COURT

*All times referred to in this Order are Central Standard Time.
Copy filed and sent electronically January 16, 2024, to Attorney Maurice VerStandig for service.